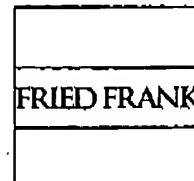


Fried, Frank, Harris, Shriver & Jacobson LLP  
One New York Plaza  
New York, NY 10004-1980  
Tel: 212.859.8000  
Fax: 212.859.4000  
www.friedfrank.com

RECEIVED  
CENTRAL FAX CENTER

DEC 29 2005

## FAX COVER SHEET



**Date:** December 27, 2005  
**From:** Stephen S. Rabinowitz  
**Sender's Phone:**  
**Sender's Fax:** (212) 859-4000  
**Sender's Email:**  
**Number of Pages** (including cover sheet): 6

<u>Recipient</u>	<u>Company</u>	<u>Fax</u>	<u>Phone</u>
Office of Initial Patent Examination	U.S Patent and Trademark Office	(571) 273-8300	

**Comments:** Application No. 10/603,501 by FRANANO

- (1) Request for updated filing receipt (2 pages)
- (2) Marked up copy of previously issued filing receipt (1 page)
- (3) Copy of § 17 of Transmittal Letter dated September 24, 2003 (2 pages)

If you have any problems receiving this transmission, please contact us at 212.859.8362.

523057.1

**Confidentiality Notice:**

The information contained in this facsimile message may be legally privileged and confidential. It is intended only for the use of the addressee named above. If you are not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this telecopy is strictly prohibited. If you have received this telecopy in error, please immediately notify us by telephone and return the original message to us at the address above via the United States Postal Service. We will reimburse any costs you incur in notifying us and returning the message to us. Thank you.

A Delaware Limited Liability Partnership  
New York • Washington • Los Angeles • London • Paris

RECEIVED  
CENTRAL FAX CENTER

DEC 29 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:	FRANANO	Confirmation No.:	3974
Serial No.:	10/603,501	Art Unit:	1651
Filed:	June 24, 2003	Examiner:	Afremova, Vera
For:	METHODS FOR ENLARGING THE DIAMETER OF AN ARTERY OR VEIN IN A HUMAN SUBJECT	Attorney Docket No.:	31110-0003

**REQUEST FOR UPDATED FILING RECEIPT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:


Applicant respectfully requests an updated filing receipt reflecting the amended title of this application, the mailing address of Applicant's current representative, the new docket number, and the domestic priority claimed by Applicant, and to correct a typographical error in the inventor's name.

The title of the invention was amended in the Reply filed on September 30, 2005 from (old title): SYSTEMS AND METHODS FOR OPENING OBSTRUCTED BIOLOGICAL CONDUITS to (amended title): METHODS FOR ENLARGING THE DIAMETER OF AN ARTERY OR VEIN IN A HUMAN SUBJECT.

---

**CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. § 1.8(a)**

I hereby certify that this paper is being filed with the United States Patent and Trademark Office by facsimile transmission on December 29, 2005 to facsimile telephone number (571) 273-8300.

  
\_\_\_\_\_  
Stephen S. Rabinowitz (Reg. No. 40,286)

The mailing address of Applicant's representative, following the Change of Correspondence Address filed on December 27, 2005, is the address associated with Customer Number 42477, namely:

Fried, Frank, Harris, Shriver & Jacobson LLP  
One New York Plaza  
New York, New York 10014.

The new docket number is: 31110-0003.


The inventor's name is "F. Nicholas Franano" but was mistyped by Applicant's representative in the transmittal sheet as "Nicholas F. Franano" and appears on the previously issued filing receipt as "Nicholas Franano".

This application claims the benefit of Nonprovisional Application No. 09/669,051, filed September 24, 2000 and of Provisional Application No. 60/155,938, filed September 24, 1999 by virtue of an amendment to the specification, dated September 24, 2003, which specifically referenced those earlier-filed applications. *See* § 17B of the Transmittal Letter dated September 24, 2003. (For the convenience of the Office, a copy of § 17 of the Transmittal Letter is attached hereto.)

A copy of the previously issued filing receipt is attached with the changes noted thereon.

Respectfully submitted,

Date: December 29, 2005

  
\_\_\_\_\_  
Stephen S. Rabinowitz (Reg. No.) 40,286  
**FRIED, FRANK, HARRIS, SHRIVER  
& JACOBSON LLP**  
One New York Plaza  
New York, New York 10004  
(212) 859-8973

521987.1



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
PO Box 1450  
Alexandria, Virginia 22315-1450  
www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/603,501	06/24/2003	1651	842	65225 CON (47703) 31110-0003	5	39	5

CONFIRMATION NO. 3974

~~EDWARDS & ANGELL, LLP~~  
~~P.O. BOX 9169~~  
~~BOSTON, MA 02209~~

FILING RECEIPT



\*0C000000011997634\*

FRIED, FRANK, HARRIS, SHRIVER & JACOBSON LLP  
One New York Plaza  
New York, NY 10004

Date Mailed 03/01/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

~~Nicholas Franano~~, Kansas City, MO;  
F. Nicholas Franano

Domestic Priority data as claimed by applicant

Continuation of 09/669,051 09/24/2000. This appln claims benefit of  
60/155,938 09/24/1999

Foreign Applications

If Required, Foreign Filing License Granted: 03/01/2004

Projected Publication Date: 12/30/2004

Non-Publication Request: No

Early Publication Request: No

\*\* SMALL ENTITY \*\*

Title

~~Systems and methods for opening obstructed biological conduits~~

Methods for enlarging the diameter of an artery or vein  
in a human subject.

Preliminary Class

424

Practitioner's Docket No. 55225-C (71699) **PATENT****ADDED PAGES FOR APPLICATION TRANSMITTAL WHERE BENEFIT OF  
PRIOR U.S. APPLICATION(S) CLAIMED**

NOTE: See 37 CFR 1.78.

**17. Relate Back**

**WARNING:** If an application claims the benefit of the filing date of an earlier filed application under 35 U.S.C. 120, 121 or 365(c), the 20-year term of that application will be based upon the filing date of the earliest U.S. application that the application makes reference to under 35 U.S.C. 120, 121 or 365(c). (35 U.S.C. 134(a)(2) does not take into account, for the determination of the patent term, any application on which priority is claimed under 35 U.S.C. 119, 365(a) or 365(b).) For a c-t-p application, applicant should review whether any claim in the patent that will issue is supported by an earlier application and, if not, the applicant should consider canceling the reference to the earlier filed application. The term of a patent is not based on a claim-by-claim approach. See Notice of April 14, 1995, 60 Fed. Reg. 20,193, at 20,203.

(complete the following, if applicable)

☒ Amend the specification by inserting, before the first line, the following sentence:**A. 35 U.S.C. 119(e)**

NOTE: "Any nonprovisional application claiming the benefit of one or more prior filed pending provisional applications must contain or be amended to contain in the first sentence of the specification following the title a reference to each such prior provisional application, identifying it as a provisional application, and including the provisional application number (consisting of series code and serial number)." 37 C.F.R. § 1.78(a)(4).

☐ "This application claims the benefit of U.S. Provisional Application(s) No(s):**APPLICATION NO(S):****FILING DATE**

---

---

---

---

**B. 35 U.S.C. 120, 121 and 365(c)**

NOTE: "Except for a continued prosecution application filed under § 1.53(d), any nonprovisional application claiming the benefit of one or more prior filed pending nonprovisional applications or international applications designating the United States of America must contain or be amended to contain in the first sentence of the specification following the title a reference to each such prior application, identifying it by application number (consisting of the series code and serial number) or international application number and international filing date and indicating the relationship of the applications. . . . Cross-references to other related applications may be made when appropriate." (See § 1.14(a)). 37 C.F.R. § 1.78(a)(2).

☒ "This application is a☒ continuation

(Added Pages for Application Transmittal Where Benefit of Prior U.S. Application(s) Claimed—page 1 of 5)

☐ continuation-in-part

☐ divisional

of copending application(s)

☐ application number 09/669,051

☐ International Application \_\_\_\_\_ filed on \_\_\_\_\_ and which designated the U.S."

**NOTE:** The proper reference to a prior filed PCT application that entered the U.S. national phase is the U.S. serial number and the filing date of the PCT application that designated the U.S.

**NOTE:** (1) Where the application being transmitted adds subject matter to the International Application, then the filing can be as a continuation-in-part or (2) if it is desired to do so for other reasons then the filing can be as a continuation.

**NOTE:** The deadline for entering the national phase in the U.S. for an international application was clarified in the Notice of April 28, 1987 (1079 O.G. 32 to 46) as follows:

"The Patent and Trademark Office considers the international application to be pending until the 22nd month from the priority date if the United States has been designated and no Demand for International Preliminary Examination has been filed prior to the expiration of the 19th month from the priority date and until the 32nd month from the priority date if a Demand for International Preliminary Examination which elected the United States of America has been filed prior to the expiration of the 19th month from the priority date, provided that a copy of the international application has been communicated to the Patent and Trademark Office within the 20 or 30 month period respectively. If a copy of the international application has not been communicated to the Patent and Trademark Office within the 20 or 30 month period respectively, the international application becomes abandoned as to the United States 20 or 30 months from the priority date respectively. These periods have been placed in the rules as paragraph (h) of § 1.494 and paragraph (i) of § 1.495. A continuing application under 35 U.S.C. 365(c) and 120 may be filed anytime during the pendency of the international application."

☒ "The nonprovisional application designated above, namely application 09/669,051, filed September 24, 2000, claims the benefit of U.S. Provisional Application(s) No(s):.

APPLICATION NO(S):

FILING DATE

60 / 155,938  
\_\_\_\_\_  
\_\_\_\_\_/\_\_\_\_\_

September 24, 1999 "  
\_\_\_\_\_  
\_\_\_\_\_

☐ Where more than one reference is made above please combine all references into one sentence.

(Added Pages for Application Transmittal Where Benefit of Prior U.S. Application(s) Claimed—page 2 of 3)